

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KRYSTAL LATTOMUS	:
Plaintiff	: NO.
vs	:
	:
LIBERTY MUTUAL INSURANCE CO.	: CIVIL ACTION - LAW
Defendant	: ELECTRONICALLY FILED
	:

NOTICE OF REMOVAL

TO: CLERK OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Defendant American States Insurance Company (improperly named as "Liberty Mutual Insurance Co.") (hereinafter "American States"), by its attorneys, Allison L. Krupp, Esquire, Christin L. Kochel, Esquire and Marshall Dennehey, P.C., hereby gives notice of the removal of this civil action from the Court of Common Pleas of Chester County, Pennsylvania, identified as Civil Action No. 2023-06177-TT, to the United States District Court for the Eastern District of Pennsylvania, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446(b), and in support thereof, states the following:

1. On August 25, 2023, Plaintiff Krystal Lattomus ("Plaintiff") filed a Complaint in the Court of Common Pleas of Chester County, Pennsylvania. A true and correct copy of Plaintiff's Complaint is attached hereto and identified as Exhibit 1.
2. On August 30, 2023, Plaintiff's Complaint was received via Federal Express by American States. A true and correct copy of the notice of receipt of Plaintiff's Complaint by American States is attached as Exhibit 2.

3. On September 6, 2023, defense counsel for American States filed their Entries of Appearance on behalf of American States. A true and correct copy of defense counsels' Entries of Appearances on behalf of American States are attached collectively as Exhibit 3.

4. This Notice of Removal is timely, in accordance with 28 U.S.C. § 1441 and 1446(b)(1).

5. Pursuant to the requirements of 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders in the Chester County litigation are attached hereto.

6. According to Plaintiff's Complaint, Plaintiff, at all times relevant hereto, resided in Landenberg, Pennsylvania. (Ex. 1 at ¶ 1).

7. American States is a corporation organized and existing under the laws of the state of Illinois, with a principle place of business located at 175 Berkley Street, Boston, MA 02116.

8. In the Complaint, Plaintiff avers that she was involved in a motor vehicle accident on or about March 13, 2022, and sustained certain injuries as a result. (Ex. 1 at ¶¶ 2-4).

9. Plaintiff avers that she subsequently made a claim for uninsured motorist ("UM") benefits under a policy of motor vehicle insurance issued by American States Insurance Company (improperly named as Liberty Mutual Insurance Co.) ("American States Policy"), which remains unresolved. (Ex. 1 at ¶¶ 17-22).

10. In the Complaint, Plaintiff requests damages in a sum in excess of \$50,000.00 "together with interest, delay of damages, punitive damages, and costs of suit and attorneys fees."¹ (Ex. 1).

¹ By outlining the allegations and request for relief set forth in the Complaint, American States is not suggesting that they are accurate or recoverable, but is merely referencing them to confirm that the amount in controversy exceeds \$75,000.

11. The UM limit of the American States Policy at issue is \$100,000. A true and correct copy of the American States Policy is attached as Exhibit 4.

12. Plaintiff has alleged a total amount in controversy, exclusive of interest and costs, in excess of the jurisdictional threshold of \$75,000, pursuant to 28 U.S.C. § 1332(a).

13. This Honorable Court has original jurisdiction of this civil action pursuant to 28 U.S.C. § 1332 based upon diversity of citizenship and the amount in controversy and thus, removal is proper, pursuant to 28 U.S.C. § 1441.

14. Contemporaneously with the filing of this Notice, and in accordance with 28 U.S.C. § 1446(d), a copy of this Notice has been served upon Plaintiff.

15. Further, after filing with this Court and the assignment of a civil action number, notice of filing of this Notice of Removal will be filed with the Court of Common Pleas of Chester County, Pennsylvania.

WHEREFORE, Defendant American States Insurance Company (improperly named as “Liberty Mutual Insurance Co.”) hereby notifies this Honorable Court that this action is removed from the Court of Common Pleas of Chester County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania, pursuant to the provisions of 28 U.S.C. §§ 1331, 1441, and 1446.

MARSHALL DENNEHEY, P.C.

By: /s/ Allison L. Krupp
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Attorneys for Defendant American States Insurance Company improperly named Liberty Mutual Insurance

Date: 9/21/2023

CERTIFICATE OF SERVICE

I, Allison L. Krupp, Esquire, do hereby certify that a true and correct copy of the foregoing was served upon the following via Electronic Filing System on the date specified below:

Steven A. Jarvis, Esquire
LAW OFFICES OF ERIC A. SHORE
2 Penn Center, Suite 1240
1500 John F. Kennedy Boulevard
Philadelphia, PA 19102
Attorneys for Plaintiff Krystal Lattomus

MARSHALL DENNEHEY, P.C.

By: /s/ Allison L. Krupp
Allison L. Krupp, Esquire
*Attorneys for Defendant American States Insurance
Company improperly named Liberty Mutual
Insurance Co.*

Dated: 9/21/2023

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